

## REMARKS

These remarks are in response to the Office Action mailed on September 11, 2002. The Office Action rejected claims 1-23 of the present application, with claims 2, 13-17, 20, and 23 being rejected under 35 U.S.C. 103(a), with Wong (U.S. Patent No. 6,134,145) as a relied upon reference. A Continued Patent Application is being filed concurrently with this Amendment in order to take advantage of section 4807 of the patent legislation that became effective as of November 29, 1999. The cited Wong patent was owned by the same person or subject to an obligation of assignment to the same person, namely Invox Technology, as the present application at the time the invention was made. (Both are now assigned to SanDisk Corporation.) Consequently, the cited Wong reference is no longer applicable under 35 U.S.C. 102(e) as prior art against the present application. The other rejections and objections of the Office Action will be dealt with at the time of the initial Office Action for the Continued Prosecution Application.

In response to the Office Action's objection to Figure 1, the notation --Prior Art-- has been added. If this amendment is approved, it will be included in the formal drawings at the appropriate time. The objections to the drawings, concerning a lack of reference signs in the description, will also be dealt with at the time of the initial Office Action for the Continued Prosecution Application.

An Information Disclosure Statement, with forms 1449 and copies of the references, is also being filed concurrently with this Amendment and Continued Prosecution Application in order to cite reference cited in the prosecution of related a patent application 09/086,785, which is incorporated by reference at page 11, lines 21-23, of the present application.

Express Mail Label No.:

EV212984483US

Respectfully submitted,



Michael G. Cleveland  
Reg. No. 46,030

LAW OFFICES OF  
SKJERNEN MORRILL LLP

3 Embarcadero Center  
Suite 2800  
San Francisco, CA 94111  
(415) 217-6000  
Fax (415) 434-0646

Application No.: 09/159,397  
900955 v1

Express Mail No.: EV212984483US